

House File 25 - Introduced

HOUSE FILE 25

BY M. SMITH

A BILL FOR

1 An Act prohibiting the manufacturing, selling, or distributing
2 of caffeinated alcoholic beverages, making penalties
3 applicable, and including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8B. *"Caffeinated alcoholic beverage"* means
4 any beverage containing more than one-half of one percent of
5 alcohol by volume, including alcoholic liquor, wine, and beer,
6 to which caffeine is added.

7 Sec. 2. Section 123.49, subsection 2, Code 2011, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *m.* Manufacture for sale, sell, offer or
10 keep for sale, import, distribute, transport, or possess any
11 caffeinated alcoholic beverage.

12 Sec. 3. Section 123.50, subsection 2, Code 2011, is amended
13 to read as follows:

14 2. The conviction of any liquor control licensee, wine
15 permittee, or beer permittee for a violation of any of the
16 provisions of section 123.49, subject to subsection 3 of this
17 section, is grounds for the suspension or revocation of the
18 license or permit by the division or the local authority.
19 However, if any liquor control licensee is convicted of any
20 violation of subsection 2, paragraph *"a"*, *"d"*, ~~*"e"*~~, or *"m"*
21 of that section, or any wine or beer permittee is convicted of
22 a violation of paragraph *"a"*, ~~*"e"*~~, or *"m"* of that section,
23 the liquor control license, wine permit, or beer permit shall
24 be revoked and shall immediately be surrendered by the holder,
25 and the bond, if any, of the license or permit holder shall be
26 forfeited to the division.

27 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29 EXPLANATION

30 This bill prohibits the manufacturing for sale, sale,
31 offering or keeping for sale, importing, distributing,
32 transporting, or possessing of a caffeinated alcoholic
33 beverage. The bill defines a caffeinated alcoholic beverage
34 as any beverage containing more than one-half of 1 percent of
35 alcohol by volume, including alcoholic liquor, wine, and beer,

1 to which caffeine is added.

2 A violation of the bill's provisions is subject to the
3 penalty provisions of Code section 123.50. A violation
4 constitutes a simple misdemeanor punishable by confinement
5 for no more than 30 days or a fine of at least \$65 but not
6 more than \$625 or by both. The bill additionally provides
7 that a violation shall result in the immediate revocation and
8 surrender of a liquor control license, wine permit, or beer
9 permit, and forfeiture of any required bond to the alcoholic
10 beverages division of the department of commerce.

11 The bill takes effect upon enactment.